

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOHN ZINN

v.

C.A. NO. 09-262 S

A. T. WALL, et al.

MEMORANDUM AND ORDER

Petitioner, *pro se*, has filed a Petition for a Writ of Habeas Corpus (“Petition”) challenging his extradition to Connecticut (Docket # 1). Presently before the Court are two motions filed by Petitioner: (i) a motion for a court order appointing a lawyer (Docket # 2) and (ii) a motion for an extension of time to file a response to a Report and Recommendation when filed in the future (Docket # 3). For the reasons that follow, the motions are DENIED.

I. MOTION TO APPOINT COUNSEL

In the appropriate case, the Court “may request an attorney to represent any person unable to afford counsel” in a civil action. 28 U.S.C. § 1915(e). However, there is no absolute constitutional right to a “free lawyer” in a civil case. *DesRosier v. Moran*, 949 F.2d 15, 23 (1st Cir. 1991). Absent exceptional circumstances, the Court cannot appoint counsel in a civil matter. *Id.* at 23. In determining whether exceptional circumstances exist, the Court must examine the total situation, considering, *inter alia*, the merits of the case, the complexity of the legal issues and the litigant’s ability to represent himself. *Id.*

Here, I have reviewed the Petition and the motions Petitioner has filed in this case. I first note that he has not established his financial need for counsel – he is not proceeding *in forma pauperis* and has not presented any financial statements. Further, the issues presented in the Petition are not so complex that Petitioner is unable to represent himself. Moreover, Petitioner’s filings demonstrate that he is able to present the facts and the issues himself. Accordingly, Petitioner’s motion for a court order appointing counsel is DENIED.

II. MOTION FOR FUTURE EXTENSION OF TIME TO FILE RESPONSE

Although neither a motion to dismiss the Petition nor a Report and Recommendation regarding the same has yet been filed, Petitioner seeks a court order granting him an extension of time to file an objection to any Report and Recommendation filed in the future regarding the Petition. Petitioner does not state, and I have not found, any law or rule supporting his motion. Accordingly, such motion is DENIED.

IT IS SO ORDERED.



Jacob Hagopian
Senior United States Magistrate Judge
Date: July 21, 2009